

**OPINION
56-110**

January 18, 1956 (OPINION)

SPECIAL SCHOOL DISTRICTS

RE: Annexation of Contiguous Territory - Decision by County Commissi

We have received your letter of January 6, 1956, wherein you state that over two-thirds of the electors in a certain territory contiguous to a special school district in your county have petitioned your board of county commissioners to become attached to said special school district. The petition was in proper form and has been approved by the proper authorities; your question is whether it is mandatory for your board of county commissioners to approve the petition under these circumstances or whether they have the legal right to either approve or reject.

From reading chapter 15-27 of the 1953 Code and 15-5321 of the 1953 Supplement, we conclude and it is our opinion that the board of county commissioners have the legal right to exercise their discretion in deciding whether to approve or deny an application for annexation of territory to an existing school district and are not bound to approve in all cases where the other public boards and officials have approved the proposed annexation.

LESLIE R. BURGUM

Attorney General